



TALBOT COUNTY, MARYLAND

County Council

MINUTES

April 27, 2021

Present – President Chuck F. Callahan, Vice President Pete Leshner, Frank Divilio, Corey W. Pack, Laura Price, County Manager Clay Stamp, and Acting County Attorney Patrick Thomas.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, April 27, 2021.
- II. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, April 20, 2021 and Tuesday, April 27, 2021.
- III. Proclamation: Fair Housing Month – April 2021 – The Clerk read a proclamation into the record which affirmed Talbot County’s commitment to fair housing. The Fair Housing Act, created in 1968, outlaws discrimination in the sale, rental, or financing of housing on the basis of race, color, religion, sex, national origin, handicap or familial status, and guarantees the right of all Americans to dwell in the neighborhood of their choice. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the proclamation by voting 5 – 0 as follows:
 - Mr. Callahan – Aye
 - Mr. Divilio – Aye
 - Mr. Leshner – Aye
 - Ms. Price – Aye
 - Mr. Pack – Aye
- IV. Proclamation: National Travel and Tourism Week – May 2 - 8, 2021 – The Clerk read a proclamation into the record which spoke of the dedication and ingenuity of those in the travel and tourism sectors to safely continue to promote their businesses during the COVID-19 pandemic while also coping with its negative economic impacts. Council discussion ensued with Cassandra Vanhooser, Director, Talbot County Department of Economic Development and Tourism and Capt. Judy Bixler, Chair, Talbot County Tourism Board and Chair, Maryland Tourism Development Board, who emphasized the importance of the tourism industry to the Talbot County economy. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council approved the proclamation by voting 5 – 0 as follows:
 - Mr. Callahan – Aye
 - Mr. Divilio – Aye
 - Mr. Leshner – Aye
 - Ms. Price – Aye
 - Mr. Pack – Aye
- V. Eligible for Vote:

Bill No. 1471, A BILL TO REPEAL OFFICIAL ZONING MAP 41 OF TALBOT COUNTY, AND REENACT THE SAME WITH AN AMENDMENT CHANGING THE ZONING DISTRICT ON A PORTION OF TAX MAP 41, PARCEL 68, REMAINING LANDS AND LOTS 1, 2, AND 3, CONSISTING OF 2.029 ACRES OF LAND, MORE OR LESS, FROM THE VILLAGE HAMLET (VH) ZONING DISTRICT TO THE WESTERN RURAL CONSERVATION (WRC) ZONING DISTRICT, was read into the record by the Clerk, and brought forward for vote. Prior to the vote, Patrick Thomas, Acting County Attorney, stated that the Council is required to make certain Findings of Fact prior to vote on the legislation, including, among others, whether the proposed amendment is consistent with the purposes and intent of the County's Comprehensive Plan and its compatibility with existing and proposed development and land use in the surrounding area. He stated that once the Findings of Fact are made, the proposed rezoning can only be made if it is determined that there has been either a substantial change in the character of the neighborhood where the property is located or a mistake was made in the current zoning classification. Council discussion ensued with Mr. Thomas and Miguel Salinas, Planning Officer. At Mr. Pack's request, the vote on Bill No. 1471 was postponed until Tuesday, May 11, 2021.

- VI. Presentation of Priority Listing to Maryland Department of Transportation – Ray Clarke, County Engineer; Mike Mertaugh, Assistant County Manager; Micah Risher, Manager, Easton Airport – Mr. Clarke briefed the Council on staff's recommendations for Talbot County's project priority listing as requested each year by the Maryland State Department of Transportation. Council discussion ensued with Mr. Clarke, Mr. Mertaugh, and Brian LeCates, Acting Director, Department of Emergency Services. At Council's request, the following new items will be added to the priority listing as a result of several serious and fatal vehicle accidents at those locations: *MD Route 322/US50 Intersection – South* and *MD Route 322/US 50 Intersection North* as Items 1A and 1B, respectively; Item No. 1 in 2020, *MD Route 33 Capacity and Evacuation Improvements* will become Item No. 2 on the priority listing; additional language will be incorporated into Item No. 3 in 2020, *US Route 50/MD Route 309/MD Route 662 Intersection Capacity Improvements* which is now used as a "bypass" around Easton for those travelling to and from the Bay Hundred area; the item will be renumbered to be the new Item No. 4. At Council's request, staff will provide an updated listing for Council's consideration on Tuesday, May 4, 2021.
- VII. Update on Easton Airport – Micah Risher, Manager, Easton Airport; Members, Talbot County Airport Board – Mr. Risher introduced Jeff Lankford, the new Easton Airport Business and Marketing Coordinator, briefly outlining Mr. Lankford's responsibilities. Mr. Risher briefed the Council on the status of various matters related to the operations Easton Airport including, interest in new hangar sales and construction; an increase in business charter operations, recreational general aviation, flight training, increases in use of social media, proposed plans for new uses of terminal building space, etc. and provided details on each. He stated that every segment of the Airport's business is currently experiencing growth. He outlined various community outreach events including the new Walk & Talk informational tours to be held on the airfield, Aviation Career Education (ACE) activities, and announced that Easton Airport Day will be held on Saturday, September 25, 2021 under COVID-19 guidelines. Mr. Risher briefed the Council on Capital Improvement Projects at Easton Airport, including the Federal Aviation Administration FY21 AIP Grant in the sum of \$500,266 (approval to be requested) for the Airport's Runway 4/22 Safety Improvement Project. He stated that a portion of the funding to be requested would be used for the geotechnical evaluation and topographical survey for Runway 4/22 and the remaining portion for reimbursement of monies previously expended on the project for aviation easements, wetland mitigation, etc.; funding from the Maryland Aviation Administration will also be requested for Phase II of the Obstruction Removal Project. Mr. Risher provided statistical information on the total number of flights at Easton Airport for 2020, the Airport's ranking in various categories including military and civil flight training activities, and fuel sales. Council discussion ensued with Mr. Risher as various matters were brought forward. Mr. Lankford expressed his appreciation to the Talbot County Health Department for their COVID-19 assistance with events planned at the Airport.

- A. Request from Easton Airport to Apply for and Accept Grant funding from the Federal Aviation Administration (FAA) for Runway 4/22 Safety Improvement Programs – Mr. Risher requested Council approval to apply for and accept grant funding from the FAA in the sum of \$500,266 to continue the Runway 4/22 Safety Improvement programs and stated that the grant funding includes forward funding for the Runway 4/22 geotechnical evaluation and topographical survey and reimbursement for monies previously expended on aviation easements, work required to comply with the Forest Conservation Act and wetland mitigation. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved submittal of the grant application as outlined by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- B. Request from Easton Airport for Approval of Airport Consultant, AECOM’s Price Proposal for Runway 4/22 Geotechnical Evaluation and Topographical Survey – Mr. Risher requested Council approval of Airport consultant, AECOM’s, Price Proposal for the Runway 4/22 geotechnical evaluation and topographical survey in the sum of \$296,195; cost of work for this project will be paid for with a portion of the \$500,266 in FAA grant funding outlined in Mr. Risher’s previous request. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved the request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- VIII. Update on Sewer System Smoke Testing Results within the Town of St. Michaels and the Surrounding Communities of Bentley Hay and Rio Vista – Ray Clarke, County Engineer – Mr. Clarke briefed the Council on the results of the March 2021 smoke testing of the gravity sewer system in the Town of St. Michaels and the communities of Bentley Hay and Rio Vista. He stated that the results revealed approximately 120 problem areas as well as approximately 120 broken sewer clean-outs/laterals located on private property which allow water to enter the sewer system and which will need to be repaired. Mr. Clarke stated that the testing also revealed several illegal connections of downspouts directly connected to clean-outs. He stated that USDA Rural Development has indicated the availability of additional grant funding for those repairs which are not located on private property; the Department of Public Works will contact the affected homeowners regarding the specific repairs needed on their property and the anticipated cost for same.

- A. Request from Department of Public Works to Award Contract for *Bid No. 15-23, TALBOT COUNTY ST. MICHAELS PHASE V SANITARY SEWER SYSTEM REPLACEMENT/REHABILITATION AND GRACE STREET PUMP STATION REPLACEMENT ENGINEERING SERVICES (Amendment No. 16)* – County Manager, Clay Stamp requested Council approval of the County Engineer’s recommendation to award the contract for Bid No. 15-23 (Amendment No. 16) to Rauch, Inc. for additional inspection and engineering services required for solutions to issues found during the smoke testing. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

IX. Council Discussion on Unemployment Insurance Trust Fund and Its Impact to Businesses and the County Budget – Ms. Price stated that the amount businesses pay into the Unemployment Insurance Trust Fund is based on the individual unemployment claims of their individual business. She stated that because unemployment claims have greatly increased due to business closures and layoffs since the outbreak of the COVID-19 pandemic, the Unemployment Insurance Trust Fund is almost broke. She stated that during the 2021 Legislative Session, both the Administration and the Comptroller assured business owners that their unemployment insurance rates would not increase; however, Governor Hogan had recently issued an Executive Order which changed the actuarial tables for businesses which determine the percentage of payroll that businesses contribute to the Fund, and now require businesses to pay an amount eight (8) times higher than they were previously paying, despite their unemployment claim record. Ms. Price stated that she has had conversations with the local delegation and is doing everything she can to bring the matter to the attention of the Talbot County business community as well as to the attention of the other counties, in hopes that the businesses will express their displeasure. Council discussion ensued with Ms. Price and members expressed their appreciation to Ms. Price for bringing the matter to their attention. Ms. Price will continue to monitor the situation and will apprise Council if a letter should be forwarded to the State.

X.. County Manager’s Report:

A. Talbot County Commission on the Aging – Requested Council approval for the appointment of Megan Ryan to three-year term on the Talbot County Commission on the Aging as a representative of Talbot Hospice; requested the reappointment of Jennifer Pierson to a three-year term; said terms will expire on April 1, 2024. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the appointment and the reappointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

B. Talbot County Emergency Services Advisory Board – Requested Council approval for the appointment of Jeanne Kuperberg to a three-year term on the Talbot County Emergency Services Advisory Board; said term will expire February 1, 2024. Upon motion by Mr. Pack, seconded by Mr. Leshner, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye

Mr. Pack – Aye

- C. Virtual County Council Meetings – Requested Council approval of the recommendation of Dr. Maria Maguire, Talbot County Health Officer that Council meetings remain in a virtual format through the end of May, 2021. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the recommendation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshler - Aye
Ms. Price – Aye
Mr. Pack – Aye

- D. Request to Adjust the May 4, 2021 7:00 Public Hearing on the FY2021-2022 Budget– Requested Council consideration to adjust the May 4, 2021 in-person 7:00 p.m. public hearing on the FY2021-2022 Budget at Easton Elementary School to a virtual format at the recommendation of the Talbot County Health Officer. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved the recommendation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshler – Aye
Ms. Price – Aye
Mr. Pack – Aye

- E. Special Legislative Day - Requested Council approval to declare Tuesday, May 18, 2021 as a Special Legislative Day for the purpose of enacting Bill No. 1473, the FY2021-2022 Budget and Appropriation Ordinance. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshler - Aye
Ms. Price – Aye
Mr. Pack – Aye

- F. Engineering and Project Management Services – Leeds Creek Bridge Project – Requested Council approval of the County Engineer’s recommendation to award Engineering and Project Management Services for the Leeds Creek Bridge Project to Wallace-Montgomery & Associates in the sum of \$50,209.19 for 20 hours per week for 12 weeks under Bid No. 17-08, the County’s open-ended engineering services agreement; said services will assist the Department of Public Works with getting the project out to bid for construction much sooner due to the contractor’s familiarity with the project and experience with federal aid and bridge design. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the recommendation by voting 4 - 1 as follows:

Mr. Callahan – Aye
Mr. Divilio – Nay
Mr. Leshler - Aye
Ms. Price – Aye

Mr. Pack – Aye

- G. BID NO. 20-04, REQUEST FOR PROPOSALS – ENGINEERING DESIGN SERVICES – FERRY POINT MARINA WASTEWATER TREATMENT PLANT – TRAPPE – TALBOT COUNTY, MARYLAND - Requested Council approval of the County Engineer’s recommendation to award Bid No. 20-04 to the lowest bidder, Rauch, Inc., in the sum of \$108,254.16; funding for the project will come from the Talbot County Sanitary District until State and/or federal grants or loans can be secured for reimbursement. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the award by voting 5 – 0 as follows:

Mr. Callahan – Aye

Mr. Divilio – Aye

Mr. Leshler - Aye

Ms. Price – Aye

Mr. Pack – Aye

- H. Clarification of Request from Department of Public Works to Award Contract for Bid No. 15-23, TALBOT COUNTY ST. MICHAELS PHASE V SANITARY SEWER SYSTEM REPLACEMENT/REHABILITATION AND GRACE STREET PUMP STATION REPLACEMENT ENGINEERING SERVICES (Amendment No. 16) – County Manager, Clay Stamp stated that he wished to clarify the request from the Department of Public Works approval of the County Engineer’s recommendation to award the contract for Bid No. 15-23 (Amendment No. 16) to Rauch, Inc. He stated that the request is in the sum of \$46,125.00; funding from the USDA grant/loan package totals \$45,536.91; the remaining sum of \$588.09 will be paid by the Talbot County Sanitary District; said cost is for additional inspection and engineering services required for solutions to issues found during the smoke testing. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the request by voting 4 – 0 as follows:

Mr. Callahan – Aye

Mr. Divilio – Aye

Mr. Leshler - Aye

Ms. Price – Aye

- I. Request from Department of Emergency Services – Requested Council approval of the recommendation of the Acting Director of the Department of Emergency Services to utilize Contingency Funds in the sum of \$87,990.00 for the unanticipated replacement of the Computer Aided Dispatch (CAD) servers; Angela Lane, Finance Director, certified that Contingency Funds are available. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved the request as outlined by voting 5 – 0 as follows:

Mr. Callahan – Aye

Mr. Divilio – Aye

Mr. Leshler - Aye

Ms. Price – Aye

Mr. Pack – Aye

- J. Request from Department of Parks and Recreation – Requested Council’s approval of the recommendation of the Director of the Department of Parks and Recreation to utilize FY21 Capital Outlay funds for the purchase of a replacement tractor in the sum of \$22,800.00

said purchase will be made by piggybacking on a Baltimore County Public Schools Grounds Maintenance Contract; and for the purchase of a replacement pickup in the sum of \$28,729.00; said purchase will be made by piggybacking on a Howard County contract; total cost for both items is \$51,519.00. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the requests by voting 5 – 0 as follows:

Mr. Callahan – Aye

Mr. Divilio – aye

Mr. Leshner – Aye

Ms. Price – Aye

Mr. Pack – Aye

XI. Public Comments: There were no comments from the public.

XII. Council Comments:

Mr. Pack – No comments.

Mr. Leshner – Mr. Leshner stated that it is now easy to get a COVID-19 vaccine in Talbot County. He stated that 92.8% of Talbot County senior citizens aged 75 to 84 and 80.9% of those aged 65 to 74 have received the vaccine. He stated that, in his opinion, if the rest of us can catch up to these wise leaders, we will achieve herd immunity and see the threat of this pandemic recede from our shores – this is the time to trust your elders by following their example and get the vaccine.

Mr. Divilio – Mr. Divilio concurred with Mr. Leshner’s comments and stated that he, his wife and parents have had their vaccine. He stated that he is prepared to start meeting more together, knowing that we have done the right thing and that County staff is getting vaccinated. Mr. Divilio stated that on Friday (April 30th) Cassandra Vanhooser will be hosting the virtual Business Economic Summit (Business Appreciation Breakfast) from 8:30 a.m. until 10:00 a.m.; and at 10:30 a.m., a group of bicyclists in Talbot County will be meeting to discuss bicycle safety. He encouraged those who have any ideas regarding bicycling safety, bike paths, etc. to attend.

Ms. Price - No comments.

Mr. Callahan - Mr. Callahan concurred with his colleagues’ comments regarding the COVID-19 vaccine and stated that, in his opinion, we are blessed to have it. He stated that he, too was ready to move forward with meeting more together and that he could see the light at the end of the tunnel in the next several months with things getting somewhat back to normal this summer. He commended the Council and staff for the work they are doing to support the community with regard to the vaccination efforts. He stated that President Biden was on TV this afternoon advising that individuals who have been vaccinated can finally take their masks off when outdoors, so we are moving forward and that is positive.

XIII. Upon motion by Mr. Divilio, the Council voted to adjourn the meeting and to reconvene on Tuesday, May 4, 2021 at 12:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting, and for the 1:30 p.m. meeting by voting 5 – 0 as follows:

Mr. Callahan – Aye
 Mr. Divilio – Aye
 Mr. Leshner – Aye
 Ms. Price – Aye
 Mr. Pack - Aye

The meeting adjourned at 8:09 p.m.

The transcript of the April 27, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIV. Summary of Closed Session Held on April 27, 2021:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 4:00 p.m. to 6:00 p.m.
 Place of closed session: Bradley Meeting Room, Courthouse and Via WebEx events
 (virtual meeting)
 Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Divilio, Leshner, Pack, Price
 Members opposed: None
 Abstaining: None
 Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic description	Statutory authority	Persons present	Action taken
To conduct interview for Finance Director	GP § 3-305 (b) (1)(i)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp	No action
To discuss appointments to various County boards and committees	GP § 3-305 (b) (1)(i)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris	No action
To discuss personnel matter in County Attorney’s Office	GP § 3-305 (b) (1)(i)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay	No action

		Stamp, Jessica Morris	
For legal advice on lawsuit involving Talbot County (Robin Ficker v. Talbot County)	GP § 3-305 (b) (7) and (8)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas, Andrew Meehan	Legal counsel to respond

CASH STATEMENT 4/20/2021

BALANCE 4/13/2021	42,891,660.54
TOTAL ADP PAYROLL PPE 4/02/2021	(633,777.44)
PENSION DED PPE 4/02/2021	(38,659.55)
DEFERRED COMP DED PPE 4/02/2021	(19,510.03)
DEFERRED COMP PPE 4/02/2021 PLAN 401 (A)	(6,835.47)
CIGNA CLAIMS PAID THRU 4/12/2021	(59,214.15)
AGRICULTURAL TRANSFER TAX PYMT 3/2021	(85,253.10)
STATE REPORT 3/2021	(83,160.54)
SALES & USE COMMUNITY CENTER DECEMBER 2020	(236.22)
SALES & USE COMMUNITY CENTER JANUARY 2021	(180.43)
SALES & USE COMMUNITY CENTER FEBRUARY 2021	(152.58)
SALES & USE HOG NECK GOLF COURSE DECEMBER 2020	(469.28)
SALES & USE HOG NECK GOLF COURSE JANUARY 2021	(144.10)
SALES & USE HOG NECK GOLF COURSE FEBRUARY 2021	(49.21)
RETURNED CHECK #2117575815	(438.50)
WELLS FARGO GOLF EQUIP LEASE PYMT	(4,092.00)
DEPOSITS	972,988.35
CHECKS	(363,704.32)
VOIDED CHECK(S) #346281	550.00
BALANCE 4/20/2021	42,569,321.97

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAY VANGUARD BANK			10,174,657.19
TOTAL INVESTED			<u>30,674,657.19</u>
PETTY CASH BALANCE			<u>12,275.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>73,256,254.16</u>

CASH STATEMENT 4/27/2021

BALANCE 4/20/2021			42,569,321.97
CIGNA CLAIMS PAID THRU 4/19/2021			(71,541.16)
BRF FEE RETURN JAN-MAR 2021			(70,022.18)
USDA/RD BONDS OF 2021 PAYOFF			(350,419.52)
COMMUNITY CENTER SALES & USE TAX DUE 4/20/2021			(41.78)
HOG NECK GOLF COURSE SALES & USE TAX DUE 4/20/2021			(599.26)
BANK CHARGES 3/2021			5,539.56
INTEREST ON ACCOUNTS 3/2021			(3,139.67)
DEPOSITS			1,352,307.22
CHECKS			(815,117.46)
VOIDED CHECK(S) #350212, 350213			2,019.54
BALANCE 4/27/2021			<u>42,618,307.26</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAY VANGUARD BANK			10,174,657.19
TOTAL INVESTED			<u>30,674,657.19</u>

PETTY CASH BALANCE	<u>12,275.00</u>
<u>GRAND TOTAL ALL FUNDS</u>	<u>73,305,239.45</u>